

Appeal No. 21-55852

IN THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

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LITTLE ORBIT, LLC

Plaintiff – Appellant,

vs.

DESCENDENT STUDIOS INC. and ERIC PETERSON,

Defendants – Appellees

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On Appeal from the United States District Court for the Central District of  
California

Civil Action No. 8:20-cv-00089-DOC-JDE, Hon. David O. Carter, Judge

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**APPELLEES' MOTION FOR PERMISSION TO FILE AN OVERSIZED  
OPPOSITION**

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*Attorneys for Defendants/Appellees  
Descendent Studios Inc. and Eric Peterson*

Appellees Descendent Studios LLC and Eric Peterson respectfully request permission to file an oversized Opposition to Plaintiff's Motion for a Stay Pending Appeal. Counsel for Appellees have diligently attempted to bring the Opposition within the word limit of 5,200 words, but have not been able to adequately or appropriately address the numerous issues and arguments required for the proper presentation of Appellees' Opposition within the word limit.

1. Appellant's Motion for a Stay is over thirty four pages long and contains over 7,600 words.

2. The current word count of the Appellees' Opposition is more than the allowed limit. Appellees have worked diligently to reduce the size. Anything less than 7,605 words would severely limit Appellees' ability to adequately address the matters in dispute. Appellee therefore requests permission to file an Opposition of no more than 7,605 words.

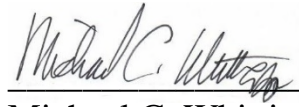
There are numerous complex issues and arguments that must be addressed in the Opposition given that one prong of the defense requires Appellees to show that Little Orbit is not likely to prevail on the merits of its appeal.

Appellees would be prejudiced if they are restricted to the 5,200 word limit for the Opposition, because Appellees will not be able to properly and adequately address the numerous legal and factual issues raised.

Appellees, therefore, respectfully request permission to file an Opposition containing 7,605 words.

Dated: September 3, 2021

By:

A handwritten signature in black ink, appearing to read "Michael C. Whitticar", is written over a horizontal line.

Michael C. Whitticar

Nada I. Shamonki

*Attorneys for Defendants/Appellees  
Descendent Studios Inc. and Eric Peterson*

9th Circuit Case No. 21-55852

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CERTIFICATE OF SERVICE

When All Case Participants are Registered for the Appellate CM/ECF System

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on September 3, 2021.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Signature (use "s/" format) /s/ Nada I. Shamonki

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CERTIFICATE OF SERVICE

When Not All Case Participants are Registered for the Appellate CM/ECF System

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on \_\_\_\_\_.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

Signature (use "s/" format) \_\_\_\_\_